

PROFILE OF THE MICHIGAN LEGISLATURE

The legislative power of the State of Michigan is vested in a bicameral (2-chamber) body comprised of a senate and a house of representatives. The senate consists of 38 members who are elected by the qualified electors of districts having approximately 212,400 to 263,500 residents. Senators are elected at the same time as the governor and serve 4-year terms concurrent with the governor's term of office. The house of representatives consists of 110 members who are elected by the qualified electors of districts having approximately 77,000 to 91,000 residents. Representatives are elected in even-numbered years to 2-year terms. Legislative districts are drawn on the basis of population figures obtained through the federal decennial census. Terms for senators and representatives begin on January 1, following the November general election.

The state legislature enacts the laws of Michigan; levies taxes and appropriates funds from money collected for the support of public institutions and the administration of the affairs of state government; proposes amendments to the state constitution, which must be approved by a majority vote of the electors; and considers legislation proposed by initiatory petitions. The legislature also provides oversight of the executive branch of government through the administrative rules and audit processes, committees, and the budget process; advises and consents, through the senate, on gubernatorial appointments; and considers proposed amendments to the Constitution of the United States. The majority of the legislature's work, however, entails lawmaking. Through a process defined by the state constitution, statute, and legislative rules, the legislature considers thousands of bills (proposed laws) during each 2-year session.

MEMBERS OF THE LEGISLATURE

Qualifications

In order to qualify as a member of the Michigan Legislature, a person:

- a) Must be a citizen of the United States, at least 21 years of age, and an elector of the district he or she represents.
- b) Must not have been convicted of subversion or, within the past 20 years, have been convicted of a felony involving a breach of the public trust.
- c) Must not hold any office, employment, or position under the United States, the State of Michigan, or any political subdivisions thereof. A person may, however, be a notary public or a member of the armed forces reserve. This constitutional provision allows people holding offices or positions to run for the legislature, but since dual office holding is prohibited, a legislator-elect must resign the prior office or employment as a condition of taking a seat in the legislature.
- d) Must have had an accounting, in the manner prescribed by law, of all sums for which the person may be liable if the person has custody or control of public money.

Members-elect, before entering the duties of office, are required to take and subscribe to the oath of office set forth in Const 1963, art 2, § 1.

Restrictions of Office

Once elected to the legislature, a member is not eligible to receive any appointment, except as a notary public, within this state from the governor, the legislature, or from any other state authority during the term for which the member was elected.

A member of the legislature cannot have an interest, either directly or indirectly, in any contract with the State of Michigan or any political subdivision which would cause a substantial conflict of interest. This constitutional provision was implemented by Act 318 of 1968.

The senate rules also contain provisions related to legislative conduct and ethics.

Under the Constitution of 1963, each house of the legislature is sole judge of the qualifications, elections, and returns of its members.

Each house also has authority to expel a member with the concurrence of two-thirds of its members. The reasons for an expulsion must be entered in the journal along with the votes and names of the members voting on the expulsion. The constitution prohibits a member from being expelled a second time for the same reason.

Legislative Privileges

Senators and representatives are privileged from civil arrest and civil process during sessions of the legislature and for 5 days before the commencement and after the termination of session. A constitutional amendment approved at the November 1982 general election authorized the legislature to pass laws to reform this exemption. Subsequently, statutes were enacted that prohibit legislators from being made party to civil actions or to contested cases under the Administrative Procedures Act of 1969 for actions pursuant to duties as a legislator. Certain legislative records were exempted from subpoena. In certain administrative proceedings and civil actions, exceptions were made to service of process requirements and provision was made for continuances to a nonsession day. Members cannot be questioned in any other place for any speech made in either house. Legislators are not immune from arrest on criminal charges.

The Constitution of 1963 also affords legislators the privilege of dissenting from, and protesting against, any act, proceeding, or resolution which the members deem injurious to any person or the public and to have the reason for the dissent entered into the journal.

Legislator Compensation

Legislators' salaries and expense allowances are determined by the State Officers Compensation Commission, which was established by the Constitution of 1963. The commission meets every 2 years. The legislature may reject the commission's determinations by concurrent resolution adopted by two-thirds of the members elected to and serving in each house.

The annual salary for legislators in 1991 and in 1992 is \$45,450, with an annual expense allowance of \$8,500, the same salary as paid in 1989 and 1990, the legislature having rejected (for the first time)

salary increases recommended by the State Officers Compensation Commission. The following supplemental salaries are paid: speaker of the house, \$23,000; senate majority leader, \$21,000; house and senate minority leaders, \$17,000; house and senate majority floor leaders, \$10,000; house and senate minority floor leaders, \$8,000; and house and senate appropriations committee and judiciary committee chairs, \$5,000.

In addition, each legislator may claim reimbursement for mileage for one round trip per week from his or her legal Michigan residence to the State Capitol while the legislature is in session.

An optional retirement program is available for legislators. Members contribute 9% of compensation and are eligible for benefits at age 55 with a minimum of 5 years of legislative service. Legislators are also eligible for health and life insurance benefits.

LEGISLATIVE OFFICERS, RULES, AND PROCEDURES

Except as provided in the state constitution, each house of the state legislature chooses its own officers and determines the rules of its proceedings.

Officers

By virtue of office, the lieutenant governor, who is not an elected member of the senate, is the President (presiding officer) of the senate. In addition to calling each senate session to order and instructing the secretary of the senate to call the roll and announce the attendance, the lieutenant governor has general control over order and decorum within the senate chamber. The lieutenant governor may vote only when senators are equally divided.

Prior to the commencement of the first session of a quadrennium (4-year term), the senate and each party caucus elects other officers. The senate elects a president pro tempore, assistant president pro tempore, and associate president pro tempore. One of these officers presides in the absence of the lieutenant governor.

In an organizational caucus, each party elects a leader, floor leader, whip, assistant leader, caucus chair, assistant floor leader, assistant whip, and assistant caucus chair.

The senate majority leader appoints all committees and has supervisory control over the administration and office budget of the senate, refers bills to committees, and develops and disseminates guidelines on a variety of senate operations.

The majority floor leader is responsible for scheduling and managing the day-to-day business of the senate. During session, the majority floor leader keeps members informed on the order of business and the progress of measures which may be considered for a final vote.

The principal duty of the whips is to ensure that the members of their respective caucuses will be present to vote on a given bill. The caucus officers conduct and preside over caucus meetings and are influential in caucus decisions.

As the senate parliamentarian, the secretary of the senate advises the senate on questions relating to parliamentary law and procedure. The secretary, who is not an elected member of the senate, is elected by the members of the senate. Among the duties assigned to this officer are keeping a journal of the daily proceedings, providing for the printing of bills, assigning bill numbers, and maintaining an official record of all bills received by the senate. The secretary of the senate also exercises supervisory control over the senate chamber, committee rooms, sergeants-at-arms, pages, and the senate's computer system.

The presiding officer of the Michigan House of Representatives is the speaker, who is elected at the beginning of the biennium (2-year term) by the members of the house and serves as the caucus leader of the majority party. As the presiding officer, the speaker calls the house to order, maintains decorum, decides the questions of order, recognizes who shall speak, and settles points of order that arise during session. The speaker also appoints all committees and most employees of the house, refers bills to appropriate committees, and controls the order in which bills are considered. As an elected member of the house, the speaker is entitled to vote on all questions.

The speaker pro tempore and associate speaker pro tempore are elected by the majority party caucus. One of these officers presides if the speaker is absent or chooses to participate in floor debate. While presiding, they can generally exercise the same powers as the speaker (i.e., recognize speakers, settle points of order, etc.).

The majority floor leader and minority floor leader and their assistants are the primary strategists for their respective caucuses. During session the majority floor leader keeps the session agenda moving with regular statements regarding the daily calendar.

As in the senate, the various caucus officers are responsible for conducting party caucus meetings that are often held to develop strategy on a specific measure or package of bills. In turn, the whips serve their respective caucuses by making certain that members are present for key votes.

The manager of the "housekeeping" details is the clerk of the house, who is not an elected member of the house of representatives. The clerk calls the roll, announces a quorum, keeps the journal, numbers and distributes the bills, and serves as the chief parliamentary officer of the house. In addition, the clerk supervises other staff, including committee clerks, public information personnel, and pages.

Standing Rules

The senate adopts its standing rules every 4 years and the house of representatives adopts its rules every 2 years.

In the senate, amending or repealing a rule is proposed by resolution which is referred to the Government Operations Committee for review. The amendment or repeal of a rule requires a majority vote of the senators present. A rule may be suspended by a majority of the members elected and serving.

House rules may be altered by a majority vote of the members elected and serving, but any proposed changes must be made in writing and in the possession of the house 5 days prior to its consideration. A rule may be suspended by a vote of three-fifths of the representatives present. Suspension of the rules on matters related to the order of business, schedule of legislative sessions, and adjournment may be by majority vote of the members elected and serving.

Parliamentary Procedure

In the senate, the rules of parliamentary practice included in *Mason's Manual of Legislative Procedure* govern in all cases where they are not inconsistent with the senate rules and the precedents of the Michigan Senate. Senators' inquiries as to parliamentary procedure during session are directed to the presiding officer. It should also be noted that, by senate rule, the secretary of the senate or a member of the staff of the secretary of the senate serves as the senate parliamentarian to advise the senate on questions relating to parliamentary law and procedure.

In the house, in cases not provided for by the state constitution, the Standing Rules of the House of Representatives, or by the Joint Rules of the Senate and House of Representatives, the authority is *Mason's Manual of Legislative Procedure*. In the house, members' inquiries are directed to the presiding officer.

LEGISLATIVE SESSIONS

Regular Sessions

In accordance with the state constitution, the Michigan Legislature is required to meet at the seat of government (Lansing) on the second Wednesday in January of each year at twelve o'clock noon.

The daily sessions of the legislature are normally held, unless either house designates a different hour for convening, on Monday evenings; Tuesday, Wednesday, and Thursday at 10:00 a.m. in the senate; Tuesday and Wednesday at 2:00 p.m. and Thursday at 10:00 a.m. in the house.

Quorums

A majority of the members elected to and serving in each house constitutes a quorum to conduct business. In the senate, 20 members constitute a quorum and in the house 56 members may conduct business. If a legislative seat has been vacated for any reason, and is not filled, it is not counted in computing a quorum.

Calls of the House or Senate

In either house, if a quorum is not present, the members present may adjourn from day-to-day and may compel the attendance of absent members in the manner and with penalties as each house prescribes. For example, a call of the senate may be ordered by a majority of the senators present, regardless of whether a quorum is present. To order a call in the house of representatives, at least 15 members must vote in favor of the motion. Once a call is ordered, the doors of the house or senate are closed and the members are prohibited from leaving the floor of the chambers without permission of the body. The sergeant-at-arms or other authorized person may be dispatched after absentees.

Biennial Sessions

Meetings of the Michigan Legislature are on a 2-year basis. Any business or legislation pending at the final adjournment of a regular session held in an odd-numbered year carries over with the same status until the next regular session. However, under the Joint Rules of the Senate and House of Representatives, either house is prohibited from reconsidering in a subsequent year the vote by which any business, bill, or joint resolution was defeated or vetoed during the previous year.

Recesses and Adjournments

Neither house can adjourn, without the consent of the other, for more than 2 intervening calendar days, nor adjourn to any place other than where the legislature may then be in session.

Regular sessions are adjourned sine die (without day) at twelve o'clock noon on a day determined by concurrent resolution. Usually, the sine die or final adjournment occurs during the last week of the year.

Special Sessions

The governor is authorized by the state constitution to convene the legislature on extraordinary occasions. The governor may also convene the legislature at some other place if it becomes dangerous to meet at the seat of government. During a special session, the legislature cannot pass bills on a subject other than those expressly stated in the governor's proclamation or those submitted by special message.

Under the joint rules, if either or both houses have adjourned for more than 2 days until a specific date, a committee composed of the president pro tempore of the senate, the senate majority leader, the speaker of the house and speaker pro tempore of the house may, by majority vote, convene either or both houses at any time in case of emergency.

Open Meetings

Under the state constitution, the doors of each house must be kept open unless the public security requires otherwise. The sessions of the legislature must also be held in compliance with the provisions of the Michigan Open Meetings Act (Act 267 of 1976). Exceptions to this law applicable to the legislature include the following:

- a) The right to address or speak at a meeting of the legislature or either house may be limited to prescribed times at hearings and committee meetings only.
- b) Partisan caucuses of members of the legislature may be held in closed session.
- c) The 18-hour public notice for rescheduled meetings does not apply to conference committees. These committees are required to give a 6-hour notice. A second conference committee has to give only a 1-hour notice. The conference committee meeting notice must include written notice to each committee member and the majority and minority leaders of each house of the time and place of the meeting.

HOW A BILL BECOMES A LAW

Introduction of Bills

Bills may be introduced in either house of the legislature. Senate bills are filed with the secretary of the senate and house bills with the clerk of the house. Upon introduction, bills are assigned a number. At the beginning of each biennial session, house bills are numbered consecutively starting with House Bill No. 4001 and senate bills are numbered starting with Senate Bill No. 1. In both houses, joint resolutions, which propose amendments to the state constitution, are assigned a letter designation.

First Reading of Bills

Under the state constitution, every bill must be read 3 times before it may be passed. The courts have held, however, that this requirement can be satisfied by reading a bill's title. Upon introduction, the bill's title is read a first and a second time in the senate and is read once in the house. The bill is then ordered to be printed. A bill cannot be passed or become law until it has been printed or reproduced and in the possession of each house for at least 5 days.

Referral to Committee

Upon introduction, a bill is also referred to a standing committee in the senate by the majority leader and in the house of representatives by the speaker of the house. All bills involving an appropriation must be referred either directly to the appropriations committee or to an appropriate standing committee and then to the appropriations committee.

Committee Review

Committee members consider a bill by discussing and debating the bill. The committee may also hold public hearings on the bill.

Committee Action

A standing committee may act on a bill in various ways. The committee may:

- a) Report the bill with favorable recommendation.
- b) Report the bill with amendments with favorable recommendation.
- c) Report a substitute bill in place of the original bill.
- d) Report the bill with adverse recommendation.
- e) Report the bill without recommendation.
- f) Report the bill with amendments but without recommendation.
- g) Report the bill with the recommendation that the bill be referred to another committee.
- h) Take no action on a bill.
- i) Refuse to report a bill out of committee.

In the case of items (d), (e), and (f), the bill, upon being reported from committee, is tabled (temporarily removed from consideration) on the floor. A majority vote of the members present and voting in the house where the bill is tabled is required to remove the bill from the table before it may be given further consideration.

In both houses, a majority vote of the members serving on a committee is necessary to report a bill. If a committee fails to report a bill, a motion to discharge the committee from consideration of the bill may be offered in the house having possession of the bill. If this motion is approved by a vote of a majority of the members elected and serving, the bill is then placed in position on the calendar for floor action. In the house, at least a 1-day prior notice of the motion to discharge must be given to the clerk of the house.

Committee Reports

If a bill is reported from committee favorably with or without amendment or in the form of a substitute bill, the committee report is printed in the journal under the order of business entitled "Reports of Standing Committees." On being reported favorably from committee, the bill and recommended committee amendments, if any, are placed on the order of General Orders in the senate. In the house, the bill and amendments are referred to the order of Second Reading. Action may also be taken to place the bill on specific order of business on General Orders in the senate or on Second Reading in the house for a specified date. In the house, the bill may be considered on Third Reading, by a suspension of the rules, without having been considered on Second Reading.

General Orders or Second Reading of Bills

For the purpose of considering the standing committee recommendations on a bill, the senate resolves itself into the committee of the whole and the house assumes the order of Second Reading. Amendments to the bill may be offered by any member when the bill is being considered at this stage of the legislative process. In the senate, a simple majority of members present and voting may recommend adoption of amendments to the bill and recommend a bill be advanced to Third Reading. In the house, amendments shall be adopted by a majority serving, and a majority voting may advance the bill to Third Reading. In the house, a bill may be placed on Third Reading for a specified date.

Third Reading of Bills

Upon being advanced to the order of Third Reading in the senate, a bill is read in its entirety unless unanimous consent is given to consider the bill read. In the house, the bill is read in its entirety on Third Reading unless four-fifths of the members consent to consider the bill as having been read. In practice, few bills are read in full in either chamber. In both houses, amendments must be approved by a majority

vote of the members serving and the previous question may be moved and debate cut off by a vote of a majority of the members present and voting. At the conclusion of Third Reading, the bill is either passed or defeated by a roll call vote of the majority of the members elected and serving (pursuant to the state constitution, approval of certain measures requires a two-thirds vote) or one of the following 4 options is exercised to delay final action on the bill: (a) the bill is returned to committee for further consideration; (b) consideration of the bill is postponed indefinitely; (c) consideration is postponed until a certain date; or (d) the bill is tabled.

Following either passage or defeat of a bill, a legislator may move for reconsideration of the vote by which the bill was passed or defeated. In the senate, the motion for reconsideration must be made within the following 2 session days; in the house, the motion must be made within the next succeeding session day.

Enactment by the Legislature

If a bill passes, it is sent to the other house of the legislature where the bill follows the procedure outlined above, resulting in defeat or passage.

If a bill is passed by both houses in identical form, the bill is ordered enrolled by the house in which the bill originated. Following enrollment and printing, the bill is sent to the governor.

If a bill is passed in a different form by the second house, the bill must be returned to the house of origin and one of the following occurs:

- a) If the amendment(s) or substitute bill of the second house is accepted in the house of origin, the bill is enrolled, printed, and presented to the governor. It should also be noted that either house may amend an amendment made by the other to a bill or joint resolution. At any time while in possession of the bill, either house may recede from its position in whole or in part and the bill may be returned to the other house for this purpose. If this further action is agreed to by both houses, the bill is ordered enrolled.
- b) If the amendment(s) or substitute proposal of the second house is rejected in the house of origin, the bill is then sent to a conference committee (a special committee composed of 3 legislators from each house), which attempts to reconcile differences between the 2 versions of the bill. The conference committee can consider only issues in the bill upon which there is disagreement between the 2 houses. However, when the agreement arrived at by the conferees is such that it affects other parts of the bill, such as in an appropriations measure, the conferees may recommend further amendments to conform with the agreement. The conferees may also recommend corrections to any errors in the bill. The conference committee may reach a compromise approved by at least a majority of the conferees from each house, and submit a report to the house of origin. If adopted, the report and bill are transmitted to the second house. If the conference committee report is approved in the second house, the bill is then enrolled, printed, and sent to the governor. A conference report may not be amended by either house. If the conference committee is not able to agree, or if the report is rejected by either house, a second conference committee is appointed. When a second conference has met and both houses are still unable to agree, no further conference is in order.

Approval by Governor

Upon receipt of an enrolled bill, the governor has 14 days to consider the bill. The governor may:

- a) Sign the bill, which then either becomes law at the expiration of 90 days after the legislature adjourns sine die or on a date beyond the ninetieth day specified in the bill. If the bill has been given immediate effect by a two-thirds vote of the members elected to, and serving in, each house, the bill will become law after the governor signs the bill and files it with the secretary of state or on a day specified in the bill.
- b) Veto the bill and return it to the house of origin with a message stating the governor's objections.
- c) Choose not to sign or veto the bill. If the bill is neither signed nor vetoed, the bill becomes law 14 days after having reached the governor's desk if the legislature is in session or in recess. If the legislature should adjourn sine die before the end of the 14 days, the unsigned bill does not become law. If the legislature has adjourned by the time the bill reaches the governor, he or she has 14 days to consider the bill. If the governor fails to approve the bill, it does not become law.

Legislative Veto Response

If the governor vetoes a bill while the legislature is in session or recess, one of the following actions may occur:

- a) The legislature may override the veto by a two-thirds vote of the members elected to and serving in each house. The bill then becomes law.
- b) The bill may not receive the necessary two-thirds vote and thus the attempt to override the veto will fail.
- c) The bill may be tabled.
- d) The bill may be re-referred to a committee.
- e) Consideration of the bill may be postponed indefinitely or to a definite time.

THE COMMITTEE SYSTEM

The committee system has evolved in response to the great number and diversity of issues that must be considered by the Michigan Legislature. Without being divided into committees, it would be difficult for either the senate or the house to effectively or efficiently evaluate the thousands of proposals that are introduced each biennial session. The committee system distributes the workload; in many instances, the critical decisions regarding legislation are made in a committee or in a subcommittee.

Legal Authority for Legislative Committees

The Constitution of Michigan of 1963 is the ultimate authority by which the legislature creates and acts through committees. Article 4, section 17, of the constitution provides that "Each house of the legislature may establish the committees necessary for the conduct of its business," including joint committees. The constitution makes certain stipulations governing committees, including the right of the members of a house to discharge a committee from further consideration of a bill (art 4, § 16) and the maintaining of votes and actions taken and the notification of meetings (art 4, § 17).

The constitution also provides specifically for the Legislative Council, a bipartisan joint committee charged with providing various services supporting the operations of the legislature (art 4, § 15).

Many functions of committees are provided for by statute, including provisions relating to expenses, the administering of oaths to witnesses, subpoena power, contempt, the inspection of state agency records, and other matters.

The rules of each house create the standing committees and govern most of the activities of committees. The procedures followed by the respective houses in considering bills and exercising oversight of the executive branch departments are, for the most part, set forth in these rules. The number of members on each committee, the names of the committees, the responsibilities of committee members and chairs, staffing and expenses, procedures, reports, and parliamentary practices are contained in the rules.

Standing Committees

Standing committees, which are the principal vehicles by which legislation must pass for scrutiny, debate, and modification, are created by the rules of each house. There are currently 18 permanent standing committees in the senate and 29 permanent standing committees in the house:

Senate Committees

Agriculture, Forestry, and Wildlife (5)	Judiciary (5)
Appropriations (13)	Labor (5)
Commerce (5)	Local Government and Urban Development (5)
Corporations and Economic Development (5)	Mental Health, Human Resources, and Senior Citizens (5)
Education (5)	Natural Resources and Environmental Affairs (5)
Family Law, Criminal Law, and Corrections (7)	Reapportionment (5)
Finance (5)	State Affairs and Military/Veteran Affairs (5)
Government Operations (5)	Technology and Energy (5)
Health Policy (5)	Transportation and Tourism (5)

House Committees

Agriculture, Forestry and Minerals (15)	Judiciary (19)
Appropriations (24)	Labor (13)
Civil Rights, Constitution and Women's Issues (7)	Liquor Control (12)
Colleges and Universities (8)	Marine Affairs and Port Development (7)
Conservation, Recreation and Environment (19)	Mental Health (7)
Consumers (10)	Military and Veterans' Affairs (5)
Corporations and Finance (19)	Public Health (20)
Corrections (7)	Public Utilities (13)
Economic Development and Energy (15)	Senior Citizens and Retirement (10)
Education (19)	Social Services and Youth (7)
Elections (12)	State Affairs (10)
House Oversight (13)	Taxation (19)
Housing and Urban Affairs (10)	Tourism, Fisheries and Wildlife (15)
Insurance (18)	Towns and Counties (7)
	Transportation (19)

House and senate rules specify the number of legislators which serve on each committee. The committees contain 5 to 24 members, and each representative or senator serves on at least one committee. Committee assignments are made by the majority leader in the senate and by the speaker of the house, unless otherwise directed. In the senate, appointments to committees are subject to approval by the senate. The senate rules provide that appointments of minority party members must be made from a list submitted by the minority leader and must consider the preferences, seniority, and experience of the members. If the majority leader rejects names on the list and their corresponding committee assignments, the minority leader submits replacement nominations. In both houses, the first member named to the committee is the chairperson and the second named is the vice chairperson. By tradition, the first named member of the minority party is the minority vice chairperson.

Legislation is referred to standing committees by the majority leader of the senate or by the speaker of the house, respectively. The rules of the senate and the house do not describe the jurisdictions of the individual standing committees, except that all bills involving an appropriation must be referred either directly to the appropriations committee of the respective house or to an appropriate standing committee and then to the appropriations committee. Traditionally, the assignment of bills has followed topical lines. For example, bills dealing with criminal procedure, courts, or crime have been referred to the judiciary committees; revenue measures have gone to the House Taxation Committee or the Senate Finance Committee; and legislation dealing with schools has been referred to the House Education Committee or the Senate Education Committee.

While the primary function of the standing committees is to consider legislation, there are a few specific exceptions. For example, the appropriations committees in the house and senate have the added responsibility under the constitution of approving or disapproving gubernatorial executive orders which propose reductions of expenditures authorized by appropriation. The Senate Government Operations Committee is the committee to which nominations to office submitted by the governor and all other executive business are referred. This committee also responds to questions relating to the interpretation and enforcement of senate rules concerning legislative conduct and ethics. Finally, in both houses, there exists a 3-member committee, which includes the chair and 2 other members of the appropriations committees (including 1 member from the minority party) appointed by the chair, that serves as the governing board of its respective fiscal agency.

Standing committees are empowered to review legislation, hear testimony, and may, by resolution, be authorized to administer oaths, subpoena witnesses, and examine the books and records of any persons, partnerships, or corporations involved in a matter properly before any committee. The legislature may punish witnesses who neglect or refuse to obey committee subpoenas, or who refuse to be sworn or testify, or who fail, upon demand, to produce necessary materials relative to an investigation. The legislature may also punish witnesses or attorneys who are guilty of contempt while in attendance at any hearing before any committee.

Committees operate under the applicable rules of their respective houses, except that house committees may adopt supplemental rules. Committee action requires the approval of a majority of those appointed and serving on the committee. Under the state constitution, committees are required to keep an action journal recording the date and time of each meeting, the members present and absent, and all action on legislation with the names and votes of the members. In regard to committee attendance in

the house, members with unexcused absences for 3 of 5 consecutive committee meetings are automatically dropped from committee membership.

Standing committees generally have a regular schedule indicating the day and time the committees will meet each week. In the house, the schedule is adopted by the committee at the beginning of each term and is printed in the journal. Notices of committee meetings in the senate are printed in the journal, on the calendar, and are posted in various Capitol Complex locations. Verbal notice of the meeting is also given during session by the chairperson of the committee. If the legislature is in recess, the meeting notice must be filed at least 10 days prior to the meeting. A standing committee in either house may also hold public hearings on bills referred to that committee. Notice of the hearing, its subject, time and place is also printed in the journal, on the calendar, and is posted. Committees cannot meet during session unless authorized by the entire body.

Special Committees

Special committees are established by legislative resolution and may consist of members of one or both houses. The number of members who serve on these committees varies according to the provisions of the resolution creating the committee. Special committees are generally appointed to serve for a specified period of time. For the most part, the purpose of a special committee is to study and investigate topics of special interest, such as fire safety needs, oil and gas extraction on public lands, health care costs, legislative redistricting, and congressional redistricting.

Joint Committees

In addition to the special committees which may consist of members from both houses, there are several permanent joint committees created by state statute. These committees include:

The Legislative Council—a bipartisan committee of the house and senate, consisting of 12 regular and 6 alternate members, established pursuant to article IV, section 15, of the state constitution. The primary responsibility of the council is to maintain bill drafting, research, and other services for legislators. The council appoints the director of the Legislative Service Bureau and is responsible for the general program and policies of the agency. The council also appoints 3 members to the Commission on Uniform State Laws for Michigan, 4 nonlegislators to the Michigan Law Revision Commission, and 3 nonlegislators to the Michigan Consumers Council. The Library of Michigan is under the direction of the council pursuant to Act 540 of 1982. The council appoints 4 legislators to the Board of Trustees and appoints a state librarian in consultation with the board. The librarian is responsible for administrative and budgeting functions of the library, to be coordinated with the Legislative Council and the director of the Legislative Service Bureau. The Legislative Council also handles budget, procurement, and related management functions for the Consumers Council. It appoints a legislative corrections ombudsman and establishes procedures for approving the budget, for expending funds, and for the employment of staff for the Legislative Corrections Ombudsman Office. In addition, the Legislative Council oversees the staff and operations of the Michigan Commission on Intergovernmental Relations. It should also be noted that the council may create subcommittees that include members of the legislature who are not council members.

The Joint Committee on Administrative Rules—a statutorily created bipartisan legislative committee, comprised of both house and senate members, which is responsible for the legislative oversight of administrative rules proposed by state agencies. The committee's principal responsibility is to assure that proposed administrative rules are within the legislative intent of the authorizing statute. The committee also reviews proposed rules to assure that clear, unambiguous notice of agency requirements is given to the public; that the impact of rules is not overly burdensome on the public; and that the public is made aware of the proposed rules. This legislative oversight function may result in: a) committee approval of the proposed rules which are then returned to the agency for formal adoption, b) disapproval of the rules or certification of an impasse when there are insufficient votes for either approval or disapproval, after which any member of the legislature has 60 days within which to introduce a resolution to approve the proposed rules, or c) expiration of the time within which to consider a rule (the JCAR has two months, with a one-month extension option, from the date a set of rules is received by the committee within which to take action on a set of proposed rules) after which a resolution to approve the proposed rules must be

introduced in each house of the legislature. The rules are not approved unless the resolution is adopted within 60 days of introduction.

The committee maintains a non-partisan staff which is located on the 8th floor of the Capitol Hall Building at 115 West Allegan in downtown Lansing (telephone number: 517/373-6476). The staff is comprised of an administrator and legal counsel, a staff attorney, an administrative assistant, and a legislative liaison. The staff is responsible for processing rules transmitted to the committee by state agencies, scheduling committee hearings at the direction of the committee chairman, providing members with the background and legal analysis of the rules as well as the application of the Administrative Procedures Act of 1969, and reviewing proposed legislation to determine whether rulemaking authority is, or should be, necessary to carry out the legislative intent of proposed legislation.

The Board of Trustees for the Michigan Legislative Retirement System—a joint committee established by statute to govern the administration of the legislative retirement system.

The Michigan Capitol Committee—established by Act 123 of 1987, this bipartisan, bicameral legislative-executive committee is composed of equal membership from the senate, house of representatives, and the executive office. Four members are appointed by the Senate Majority Leader, four by the Speaker of the House of Representatives, and four by the governor. Members serve for 2-year terms and may be reappointed.

The Michigan Capitol Committee was created to advise and make recommendations to the governor, senate majority leader, and speaker regarding the restoration and preservation of the State Capitol, and the management, operation, development, construction, renovation, maintenance, and repair of the building and its grounds. Committee recommendations take effect 15 days after their submission to the governor, Senate Majority Leader and Speaker of the House, unless rejected in writing by one of them. For additional information on the Michigan Capitol Committee, see page 339 and the color insert to this volume, which details the State Capitol restoration project.

Other Committees

In addition to the committees described above, different committees are created by the legislature for parliamentary purposes. These committees include the *committee of the whole*, which includes all of the members of a house sitting as a committee. The committee of the whole is established on General Orders in the senate and on the order of Second Reading in the house to consider the recommendations made by a standing committee. The committee of the whole may also adopt amendments to the bill. This parliamentary device generally offers greater informality and freedom of discussion and action than is possible at other stages of the legislative process. Another type of committee that plays an integral part in the legislative process is the *conference committee*. Conference committees consist of 3 members from each house and are assigned the responsibility of resolving differences between versions of the same bill passed by both houses. The first-named member of the house in which the bill originated is the chairperson of the conference committee. The conference committees of the 2 houses vote separately while in conference and the majority of each committee determines what the recommendations of the conference will be. If the conferees agree, they issue a report that is signed by at least a majority of the conferees from each house. For a more detailed treatment of the role of conference committees, see page 124.